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^{*}MEMBER N.Y. BAR ONLY

September 3, 2010

Via CM/ECF

Clerk of the Court
United States District Court, District of New Jersey
Clarkson S. Fisher Federal Bldg & U.S. Courthouse
402 E. State Street
Trenton, New Jersey 08608

Re: CLERK'S LETTER REQUESTING REFUND
Eli Lilly and Company v. Actavis Elizabeth LLC et al.,
Civil Action No. 07-3770 (DMC)(MF)

Dear Clerk:

We, along with Rakoczy Molino Mazzochi Siwik LLP, represent Defendant Aurobindo Pharma Ltd. ("Aurobindo") in the above-captioned matter. On Friday August 27, 2010, we electronically filed through the Court's CM/ECF system a Notice of Cross-Appeal on behalf of Aurobindo. Unfortunately, however, the \$455 payment was charged twice to our credit card. I have attached to this letter as Exhibit A, the two automated messages that we received on August 27 confirming that our Credit Card was charged twice for one transaction. I have also attached as Exhibit B, relevant portions of the Docket Entry confirming that only one such filing occurred.

In addition, on Wednesday September 1, 2010, we received a Clerk's Quality Control Message, informing us that our firm needed to re-file the above Notice of Cross-Appeal. As a result, we had to again pay a \$455 filing fee. Thus, we have now paid three times for one filing. I have attached as Exhibit C, the automated message we received on September 1 confirming that our Credit Card was again charged for this transaction. *See also* Ex. B.

Clerk of the Court

September 3, 2010

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Due to the foregoing, we respectfully request the Clerk refund \$910 to our Credit Card.
If you have any questions please do not hesitate to contact me.

Very truly yours,

CARELLA, BYRNE, CECCHI, OLSTEIN,
BRODY & AGNELLO



ERIC MAGNELLI

EM

Enclsoures

cc: Crystal, Finance Office (via ordinary mail)

EXHIBIT A

Eric Magnelli

From: paygovadmin@mail.doc.twai.gov
Sent: Friday, August 27, 2010 3:01 PM
To: Eric Magnelli
Subject: Pay.Gov Payment Confirmation

THIS IS AN AUTOMATED MESSAGE. PLEASE DO NOT REPLY.

Your transaction has been successfully completed.

Transaction Summary

Application Name: NJD CM ECF
Pay.gov Tracking ID: 251CNOVM
Agency Tracking ID: 0312-3292719

Account Holder Name: MELISSA FLAX
Transaction Type: Sale
Transaction Amount: \$455.00
Billing Address: 5 BECKER FARM ROAD
Zip/Postal Code: 07068
Country: USA
Card Type: American Express
Card Number: ****2009
Transaction Date: Aug 27, 2010 3:01:17 PM

Eric Magnelli

From: paygovadmin@mail.doc.twai.gov
Sent: Friday, August 27, 2010 3:06 PM
To: Eric Magnelli
Subject: Pay.Gov Payment Confirmation

THIS IS AN AUTOMATED MESSAGE. PLEASE DO NOT REPLY.

Your transaction has been successfully completed.

Transaction Summary

Application Name: NJD CM ECF
Pay.gov Tracking ID: 251CO5U3
Agency Tracking ID: 0312-3292780

Account Holder Name: MELISSA FLAX
Transaction Type: Sale
Transaction Amount: \$455.00
Billing Address: 5 BECKER FARM ROAD
Zip/Postal Code: 07068
Country: USA
Card Type: American Express
Card Number: **** * * * * * * * * * * * 2009
Transaction Date: Aug 27, 2010 3:06:19 PM

EXHIBIT B

ANDA, APPEAL, PRETRL, RULE16, SCHEDO

**U.S. District Court
District of New Jersey [LIVE] (Newark)
CIVIL DOCKET FOR CASE #: 2:07-cv-03770-DMC -JAD**

ELI LILLY AND COMPANY v. ACTAVIS ELIZABETH
LLC
Assigned to: Judge Dennis M. Cavanaugh
Referred to: Magistrate Judge Joseph A. Dickson
Cause: 35:183 Patent Infringement

Date Filed: 08/09/2007
Date Terminated: 08/25/2010
Jury Demand: Defendant
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Movant

**CHAMBERLAIN
COMMUNICATIONS GROUP,
LLC**

represented by **JAMES S. FRIEDMAN**
LAW OFFICES OF JAMES S.
FRIEDMAN, LLC
17 ACADEMY STREET
SUITE 305
PO BOX 32009
NEWARK, NJ 07102
(973) 353-9500
Fax: (973) 596-8332
Email: jfriedlaw@optonline.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

ELI LILLY AND COMPANY

represented by **JOHN F. BRENNER**
PEPPER HAMILTON , LLP
301 CARNEGIE CENTER
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PRINCETON, NJ 08543-5276
(609) 951-4193
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

MELISSA ANNE CHUDEREWICZ
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ATTORNEY TO BE NOTICED

DAVID J. COONER
MCCARTER & ENGLISH, LLP
FOUR GATEWAY CENTER

08/25/2010	688	Letter from M. Andrew Holtman re 674 Order on Motion for TRO,,,(Attachments: # 1 Lilly's Corporate Undertaking on Temporary Injunction Order)(HOLTMAN, MICHAEL) (Entered: 08/25/2010)
08/27/2010	689	NOTICE OF CROSS APPEAL as to 686 Order by AUROBINDO. Filing fee \$ 455, receipt number 0312-3292780. Appeal Record due by 8/27/2010. (Attachments: # 1 Certificate of Service)(FLAX, MELISSA) (Entered: 08/27/2010)
08/27/2010		Certified copies of Notice of Apppeal (doc 687)and Docket sheet, as well as Orders and Opinions being appealed sent to the USCA - Federal Circuit via Fed Ex. (tjg,) (Entered: 08/27/2010)
08/27/2010	690	NOTICE OF CROSS APPEAL as to 686 Order by MYLAN PHARMACEUTICALS INC.. Filing fee \$ 455, receipt number 0312-3292989. (Attachments: # 1 Certificate of Service)(CALMANN, ARNOLD) (Entered: 08/27/2010)
08/27/2010	691	NOTICE OF CROSS APPEAL as to 686 Order by APOTEX, INC.. Filing fee \$ 455, receipt number 0312-3292933. Appeal Record due by 8/27/2010. (FROEHЛИCH, JOSEPH) (Entered: 08/27/2010)
08/27/2010	692	NOTICE OF CROSS APPEAL by SUN PHARMACEUTICALS. Filing fee \$ 455, receipt number 0312-3293337. (RICHTER, JAMES) (Entered: 08/27/2010)
08/27/2010		CLERK'S QUALITY CONTROL MESSAGE - The Notice of Cross Appeal submitted by J. Froehlich on 8/27/10 did not contain a proper electronic signature (s/). PLEASE RESUBMIT THE DOCUMENT WITH THE PROPER ELECTRONIC SIGNATURE (s/ Attorney's Name.) This submission will remain on the docket unless otherwise ordered by the court. (tjg,) (Entered: 08/30/2010)
08/30/2010	693	NOTICE OF CROSS APPEAL by SANDOZ INC.. Filing fee \$ 455, receipt number 0312-3293626. (Attachments: # 1 Certificate of Service) (ABRAHAM, ERIC) (Entered: 08/30/2010)
08/30/2010	694	NOTICE OF CROSS APPEAL as to 686 Order by APOTEX, INC.. (FROEHЛИCH, JOSEPH) (Entered: 08/30/2010)
08/30/2010	695	MOTION for Reconsideration re 674 Order on Motion for TRO,, by MYLAN PHARMACEUTICALS INC.. (Attachments: # 1 Declaration of Victoria E. Spataro, Esq., # 2 Exhibit 1 to Spataro Declaration, # 3 Text of Proposed Order, # 4 Certificate of Service)(CALMANN, ARNOLD) (Entered: 08/30/2010)
08/30/2010	696	BRIEF in Support re 695 MOTION for Reconsideration re 674 Order on Motion for TRO,, MOTION for Reconsideration re 674 Order on Motion for TRO,, filed by MYLAN PHARMACEUTICALS INC.. (Attachments: # 1 Declaration of Tony Mauro, # 2 Exhibit 2 to Spataro Declaration, # 3 Exhibit 3 to Spataro Declaration)(CALMANN, ARNOLD) (Entered: 08/30/2010)
08/31/2010	697	PRELIMINARY NOTICE OF DOCKETING. RULE 8 MOTION HAS BEEN FILED AND A APPEAL DOCKET NO. ASSIGNED:2010-1500. (tjg,) (Entered: 08/31/2010)
09/01/2010		CLERK'S QUALITY CONTROL MESSAGE - The Notice of Cross Appeals

		document numbers 689, 690, 691, 692, 693, 694 filed by Melissa Flax, Arnold Calmann, Joseph Froehlich, James Richter, Eric Abraham on 8/27/10 and 8/30/10 was submitted incorrectly as a Notice of Cross Appeal. PLEASE RESUBMIT THE Notice of Cross Appeal USING Notice of Appeal to Federal Circuit and text in Cross Appeal. This submission will remain on the docket unless otherwise ordered by the court. (mn,) (Entered: 09/01/2010)
09/01/2010	<u>698</u>	NOTICE OF APPEAL to Federal Circuit as to <u>686</u> Order by MYLAN PHARMACEUTICALS INC.. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (Attachments: # <u>1</u> Certificate of Service)(CALMANN, ARNOLD) (Entered: 09/01/2010)
09/01/2010	<u>699</u>	NOTICE OF APPEAL to Federal Circuit as to <u>686</u> Order by APOTEX, INC.. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (FROEHLICH, JOSEPH) (Entered: 09/01/2010)
<u>09/01/2010</u>	<u>700</u>	NOTICE OF APPEAL to Federal Circuit as to <u>686</u> Order by AUROBINDO. Filing fee \$ 455, receipt number <u>0312-3298452</u> . The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. Appeal Record due by 8/27/2010. (Attachments: # <u>1</u> Certificate of Service)(FLAX, MELISSA) (Entered: 09/01/2010)
09/01/2010	<u>701</u>	MOTION to Withdraw as Attorney <i>Jo-Anne M. Kokoski, Pro Hac Vice</i> by ACTAVIS ELIZABETH LLC. (Attachments: # <u>1</u> Declaration of Jo-Anne M. Kokoski, Esq., # <u>2</u> Text of Proposed Order)(MILLER, GREGORY) (Entered: 09/01/2010)
09/01/2010	<u>702</u>	Notice to be terminated and withdraw from Notices of Electronic filing as to case. Attorney FRANK HOLAHAN terminated. (HOLAHAN, FRANK) (Entered: 09/01/2010)
09/01/2010	<u>703</u>	Letter from Arnold B. Calmann, Esq. Regarding Mylan's Motion to Seal (Docket Entry No. 678). (Attachments: # <u>1</u> Text of Proposed Order) (CALMANN, ARNOLD) (Entered: 09/01/2010)
09/01/2010	<u>704</u>	MOTION to Seal <i>Regarding Docket Entry No. 696</i> by MYLAN PHARMACEUTICALS INC.. (Attachments: # <u>1</u> Brief, # <u>2</u> Declaration of Victoria E. Spataro, # <u>3</u> Proposed Findings of Fact and Conclusions of Law, # <u>4</u> Text of Proposed Order, # <u>5</u> Certificate of Service)(CALMANN, ARNOLD) (Entered: 09/01/2010)
09/01/2010	<u>705</u>	RESPONSE in Opposition re <u>695</u> MOTION for Reconsideration re <u>674</u> Order on Motion for TRO,, MOTION for Reconsideration re <u>674</u> Order on Motion for TRO,, filed by ELI LILLY AND COMPANY. (Attachments: # <u>1</u> Certificate of Service)(HOLTMAN, MICHAEL) (Entered: 09/01/2010)
09/02/2010		Set Deadline as to <u>704</u> MOTION to Seal <i>Regarding Docket Entry No. 696</i> . Motion set for 10/4/2010 before Judge Dennis M. Cavanaugh. The motion will be decided on the papers. No appearances required unless notified by the court. (sr,) (Entered: 09/02/2010)
09/02/2010	<u>706</u>	NOTICE OF APPEAL to Federal Circuit by SANDOZ INC.. Filing fee \$ 455, receipt number <u>0312-3301079</u> . The Clerk's Office hereby certifies the

EXHIBIT C

Eric Magnelli

From: paygovadmin@mail.doc.twai.gov
Sent: Wednesday, September 01, 2010 11:40 AM
To: Eric Magnelli
Subject: Pay.Gov Payment Confirmation

THIS IS AN AUTOMATED MESSAGE. PLEASE DO NOT REPLY.

Your transaction has been successfully completed.

Transaction Summary

Application Name: NJD CM ECF
Pay.gov Tracking ID: 251DB5K7
Agency Tracking ID: 0312-3298452

Account Holder Name: MELISSA FLAX
Transaction Type: Sale
Transaction Amount: \$455.00
Billing Address: 5 BECKER FARM ROAD
Zip/Postal Code: 07068
Country: USA
Card Type: American Express
Card Number: ****2009
Transaction Date: Sep 1, 2010 11:40:12 AM